

REMARKS/ARGUMENTS

In the outstanding Office Action Claims 1-25 were rejected as being unpatentable over Kato et al. (U.S. Patent No. 6,301,663) in view of Chou (U.S. Patent No. 6,167,136) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan").

Claim 1 is directed to a data recording method for recording digital data to a recording medium. Among other things, the method includes (1) generating independent write identification information for each recording operation of the digital data, and (2) encrypting write identification information by use of a recording medium ID. The method also includes a step of recording at least the encrypted data identification information and the data control information to the recording medium.

The outstanding Office Action asserts that Kato discloses "generating independent write identification information for each recording of the digital data" (citing column 6, lines 20-24 in Kato). The Office Action also asserts that Kato discloses the step of encrypting data identification information of the digital data, also referring to column 6, lines 20-24 of Kato.

Applicants respectfully traverse this characterization. The Office Action finds the claimed "generating" and "encrypting" steps at column 6, lines 20-24 of Kato. The previous Office Action, namely Office Action of June 7, 2005, at page 2 thereof, further explained that it is the Office's position that the data identification information (serial number) and data control information (owner designation field) of Chou, are encrypted and therefore correspond with the disclosed encrypting step. Furthermore, the previous Office Action further asserts that with regard to the "generating" step, asserts that the disk key of Kato is the independent write identification information because it is unique to every disk hence the name disk key. Finally, the previous Office Action further asserts that "even if this was not identification information Chou discloses DK which is unique to the recording operation ...

[and] was also used to encrypt the data identification information and the control information” (column 5, lines 29-41).

Applicants renew their traversal of these assertions made in the present Office Action and the past Office Action. With regard to the “generating” step, the claim expressly requires generating independent write identification information for each recording operation of the digital data. As best as can be understood, the “disk key” of Kato is the independent write identification information because it is unique to every disk hence the name disk key. However, this observation misses the mark. Kato is directed to a device that reads data from a DVD 1 (see, e.g., Figure 1) and has a plurality of disk keys ( $E_{Mki}(Dk)$ ) that are encrypted by all end master keys and recorded on the DVD 1. (See, e.g., column 6, lines 20-24). This language does not mean that Kato performs the step of generating independent write identification information for each recording operation of the digital data, but rather that the DVD 1 has stored on it different disk key so the data can be decrypted by different licensed devices. Moreover, Claim 1 requires the generation of independent write identification information for each recording operation of the digital data. In contrast, Kato is directed to a playback mechanism<sup>1</sup> in which different master keys are assigned to predetermined decryption system makers (see e.g., column 5, lines 13-16).

It is respectfully submitted that the Office is misconstruing the language of amended Claim 1. Amended Claim 1 requires the generation of independent write identification information for each recording operation of the digital data. The previous Office Action attempts to assert Kato discloses this feature, by explaining that “the disk key of Kato is the independent write identification information because it is unique to every disk hence the name “disk key”. However this is not what the claim requires. The claim requires the generation of independent write identification information for each recording operation of the digital data. The Office apparently has the misunderstanding that the DVD 1 is the media by

---

<sup>1</sup> Moreover, please see Figure 1, where the DVD 1, is the source of information and is not the destination for recording thereon (see, e.g., arrows, indicating information flow from the DVD 1, not to the DVD 1).

which the digital data is recorded to. However this is not the case, as it would not cover a situation where two different recording operations were used to record to a common medium, as claimed (note that the recording operation is for a recording medium, not multiple recording mediums). Therefore it is believed that the Office is misconstruing the language and it is believed that the present discussion helps to clarify this misunderstanding.

It is also believed that the present claim language is clear in that it requires the generation of write identification information for each recording operation of the digital data and the claim refers to only a single recording medium. An advantage with this approach, as discussed in the present specification, is that regardless of whether a recording device is housed in a separate device or in a same data processing apparatus as a source, the copying of data cannot be monitored through a line interconnecting the two because each recording operation is encrypted with the use of the write identification information, which in turn is generated independently for each recording operation of the digital data (not each recording medium, as apparently the Office Action is construing this language).

In the previous Office Action, the examiner also attempts to assert that even if Kato does not disclose this feature, Chou discloses DK which is unique to the recording operation, referring to column 3, lines 53-54 and column 5, lines 39-41 (as discussed at page 3 of the Office Action of June 7, 2005). This language in Chou refers to a transponder 2 that receives power from the magnetic field from a reader 20 (see e.g., Figure 1). This transponder 2 communicates with the transceiver 25 either through an electrostatic or electromagnetic bi-directional link 17 (column 3, lines 13-14). The Office Action is referring to a section in Chou, (Figure 4 and column 3, lines 53-54), that is referring to the transponder having its own microcircuit with non-volatile memory, etc., that is used to exchange information with the transceiver 25 through electrostatic or electromagnetic bi-directional link 17. Moreover, this transponder 2 is based on an RFID, that operates similar to a "friend of foe" (IFF) system (column 3, lines 64-67). Thus, the language asserted in the previous Office Action regarding

Chou's use of DK as being unique to a recording operation is simply not applicable in the present application.

Accordingly, it is respectfully submitted that neither Kato nor Chou teach or suggest all the features of independent Claim 1 and in fact are directed to completely different systems: Kato being directed to a system in which data from a single DVD (and according to the Office Action's rationale would have a single disk ID, not independent write identification information for each recording operation), and Chou is directed to a device that uses a transponder for transmitting data electrostatically or electromagnetically to a transceiver.

Kaplan does not cure the deficiencies with regard to Chou and Kato, and therefore no matter how Kato, Chou and Kaplan can be combined (if it makes any sense to combine them at all) the combination does not teach or suggest at least the generating, encrypting and recording step of amended Claim 1. Although of differing class and/or scope, it is respectfully submitted that Claims 2-25 also patentably define over the asserted prior art for at least the reasons discussed above with regard to amended Claim 1.

Consequently, in light of the above discussion it is respectfully submitted that the invention defined by Claims 1-25 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)